

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOHANSI LOPEZ,

Defendant.

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19-cr-00323 (JSR)

MEMORANDUM ORDER

JED S. RAKOFF, U.S.D.J.

On February 21, 2024, defendant, Johansi Lopez, filed a pro se motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) based on Amendment 821 to the Sentencing Guidelines. See ECF No. 181. Mr. Lopez pled guilty to conspiracy to commit Hobbs Act robbery (Count One), attempted Hobbs Act robbery (Count Two), and use of a firearm during and in relation to a crime of violence and a drug trafficking crime (Count Four). 2/14/20 Tr. at 7:12-9:6, 11:25-14:8, ECF No. 70. At the time of sentencing, the Court calculated the guidelines range to be 51 to 63 months' imprisonment on Counts One and Two and a mandatory consecutive sentence of 60 months' imprisonment on Count Four. 9/4/20 Tr. at 2:14-3:2, ECF No. 138. The Court then sentenced to Mr. Lopez to 24 months' imprisonment on Counts One and Two, to run concurrently, and sentenced Mr. Lopez to 60 months' imprisonment on Count Four, to run consecutively. Id. at 24:9-12.

Although Mr. Lopez a zero-point offender, he is not eligible for resentencing under Amendment 821 because he pled guilty to an offense that involved the possession of a firearm and he received a four-point increase under U.S.S.G. § 3B1.1(a) for being the "organizer or leader of a criminal activity that involved five or more participants or was otherwise extensive." See Presentence Investigation Report, at 11, ECF No. 99; 9/4/20 Tr. at 2:14-3:2; U.S.S.G. § 4C1.1(a)(7), (a)(10); Suppl. Presentence Investigation Report, at 2-3, ECF No. 182. Accordingly, Mr. Lopez's motion for a sentence reduction is denied.

The Clerk of Court is respectfully directed to close docket entry number 181.

Dated: New York, NY
April 8, 2024


JED S. RAKOFF, U.S.D.J.